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Via ECF

May 18, 2020

The Honorable George B. Daniels
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN);
Estate of John P. O'Neill, Sr., et al. v. Republic of the Sudan, et al., No. 18-
cv-12114 (GBD) (SN); *Estate of John P. O'Neill, Sr., et al. v. Kingdom of*
Saudi Arabia, et al., No. 04-cv-1922 (GBD) (SN)

Dear Judges Daniels and Netburn:

I write on behalf of the *O'Neill* plaintiffs in the above-captioned matters with regard to the Motion to Dismiss ("Motion") filed by the Republic of the Sudan ("Sudan") on February 3, 2020. MDL ECF No. 5824.

Since the filing of the Motion, the PECs and counsel for Sudan have engaged in discussions regarding the possible coordination of the *O'Neill* matter and other MDL-consolidated proceedings against Sudan. In furtherance of this coordination effort, the parties sought to defer further briefing on Sudan's Motion in the *O'Neill* cases. The Court approved the parties' requests and extended the briefing schedule first to April 20, 2020 and, upon further application by the Plaintiffs, to May 20, 2020.

Since the grant of an extension to May 20th, the Plaintiffs Executive Committees have continued to engage, internally, in developing a good faith counter-proposal to Sudan's most recent communication on April 15, 2020, with the aim to reach agreement as to coordination of proceedings, but have not yet reached agreement. The COVID-19 health crisis has remained an obstacle to advancing as quickly and as efficiently as counsel are accustomed.

At the same time, Jeffrey Glen, a senior partner at Anderson Kill, has assumed a prominent role in addressing the Sudan matter. Mr. Glen presently is involved in the review of extensive discovery and motion practice, including efforts at conducting virtual depositions, in another matter pending in the Southern District of New York, namely, *Mazzocchi v. Windsor Owners et. al.*, Case No. 11-civ-7913(RA)(SDA), which efforts are likewise impeded by the current health crises. Further, over the past month Mr. Glen has been extensively occupied in preparing appellants' brief for filing in the New York Court of Appeals in the case of *Himmelstein, McConnell, Gribben, Donoghue & Joseph, LLP v. Matthew Bender & Company, Inc.*, 172 A.D.3d 405 100 N.Y.S.3d 227 (1st Dept. 2019), leave to appeal granted 34 NY3d 908 (2020). That brief is to be filed May 20, 2020,

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enabling Mr. Glen to turn to the preparation of a response to the Sudan motion to dismiss, in the event a collective approach to handling the Sudan litigations is not agreed. This is particularly difficult working from home, since Mr. Glen does not have immediately available the mechanical tools to print in a form that can be copied into pleadings or moving papers that are in either a paper or electronic format at the Anderson Kill offices, which are closed due to the COVID-19 regulations.

Because of these continuing obstacles, the *O'Neill* plaintiffs request another relatively brief extension of thirty (30) days for the filing of the *O'Neill* plaintiffs' opposition to the Motion in order to allow time to complete discussions relative to coordination efforts, which may obviate the need for an opposition to the motion as filed or unnecessary repetitive motion practice involving the multiple litigations against Sudan which were filed with this Court. We note that the current health crisis has not abated in the geographic areas where most counsel are located, and many counsel are working from home, leaving them without access to portions of their files, and further causing delays in our internal communications with members of the *O'Neill* team, co-counsel on the PECs and counsel for Sudan.

We have consulted with counsel for Sudan and have been advised to inform the Court that Sudan does not object to the *O'Neill* Plaintiffs requesting that the Court grant an additional extension of 30 days (to Friday, June 19, 2020) in order for Plaintiffs to respond to Sudan's April 15 proposal for coordinated proceedings and the parties to complete their discussions on this topic. Sudan observes that this further extension will allow the *O'Neill* Plaintiffs nearly twenty (20) weeks to file their opposition to Sudan's motion to dismiss.

Accordingly, the PECs and the *O'Neill* Plaintiffs hereby request an additional thirty (30) day extension of the briefing schedule, which would extend the deadline to respond to Sudan's Motion to Dismiss to June 19, 2020.

We thank the Court for its attention to this matter.

Respectfully submitted,



Jerry S. Goldman

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